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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,161	09/15/2003	Arnold Stamler	50325-0819	2828
29/989 7590 10/16/2008 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110				
EXAMINER GOODCHILD, WILLIAM J				
ART UNIT 2445		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/663,161

**Applicant(s)**

STAMLER ET AL.

**Examiner**

WILLIAM J. GOODCHILD

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over John et al., (US Publication No. 20040088412), (hereinafter John), and further in view of Shah, (US Publication No. 2003/0196003).

Regarding claim 1, John discloses receiving, at a single console control point for a network device cluster, user input specifying an operation to perform on the cluster as a whole [John, paragraph 92, defining a cluster, configure cluster parameters]; wherein the user input specifies a configuration command for the cluster [John, paragraph 92].

John does not specifically disclose automatically performing the specified operation on one or more of the active routers in the cluster by transforming the specified operation into one or more device-specific operations for each of the one or more active routers; automatically communicating the configuration command to each of the active routers in the plurality of active routers;

further wherein the cluster comprises a first switch device, a plurality of active routers, one or more standby routers, and a second switch device.

However, Shah discloses a cluster consisting of a plurality of routers and switches [Shah, paragraph 19]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a cluster of routers and switches in order to ensure that a single router or switch failure was not a single point of failure.

John-Shah further discloses automatically performing the specified operation [John, paragraphs 92 and 97] on one or more of the active routers [Shah, paragraph 19] in the cluster by transforming the specified operation into one or more device-specific operations [John, paragraphs 92 and 97] for each of the one or more active routers [Shah, paragraph 19];  
automatically communicating the configuration command [John, paragraphs 92 and 97] to each of the active routers [Shah, paragraph 19] in the plurality of active routers [Shah, paragraph 19];

Regarding claim 3, John further discloses subscribing a management process to an event bus [John, paragraphs 52 and 92-93];  
subscribing each of the active routers to the event bus [John, paragraphs 52 and 92-93]; and  
publishing the configuration command in an event on the event bus [John, paragraphs 52 and 92-93].

Regarding claim 4, John further discloses receiving the event [John, paragraphs 52 and 92-93];

extracting the configuration command from the event [John, paragraphs 52 and 92-93];  
and

presenting the configuration command to a native console [John, paragraphs 52 and 92-93].

Regarding claim 5, John further discloses the configuration command is a configuration load command [John, paragraphs 92-93].

Regarding claim 6, John further discloses the configuration command is a configuration execution command [John, paragraphs 92-93].

Regarding claim 7, John further discloses wherein the user input is received in a graphical user interface, and further comprising the step of displaying an execution log for the configuration command within the same graphical user interface in which the user input is received [John, paragraphs 92-93 and 97].

Regarding claim 8, John-Shah further discloses receiving, at a single console control point for a network device cluster, first user input requesting an operational overview of the cluster [John, paragraph 92]; and

generating and displaying an operational overview of the cluster, wherein the operational overview comprises a status indication, connection information, failed device information, and a first access icon for accessing information about the stack [John, paragraphs 92, 97 and 99];

wherein the cluster comprises a first switch device, a stack consisting of one or more active routers and one or more standby routers, and a second switch device [Shah, paragraph 19].

Regarding claim 9, John further discloses receiving second user input that selects the first access icon [John, paragraphs 92, 97 and 99];

generating and displaying a device operational overview for devices in the cluster, a device status indicator, device connection information unique for each router within the cluster, failed connection information, and a second access icon for accessing information about connections of the first and second switch devices and the stack [John, paragraphs 92, 95, 97 and 99].

Regarding claim 10, John further discloses receiving third user input that selects the second access icon [John, paragraphs 92, 95, 97 and 99];

generating and displaying a connection operational overview for connections of the cluster, wherein the connection operational overview comprises, for each connection of the stack, a connection status indicator and one or more values of attributes associated with the connection [John, paragraphs 92, 95, 97 and 99].

Regarding claim 11, John-Shaw further discloses receiving first user input in a user interface (UI) at a single console control point for a network device cluster [John, paragraph 92] that identifies a first switch device and a second switch device for the cluster [Shah, paragraph 16];  
receiving second user input in the UI that identifies a plurality of network elements [John, paragraph 92] for a router stack of the cluster [Shah, paragraph 16];  
receiving third user input in the UI [John, paragraph 92] that defines at least one first connection of the first switch device [Shah, paragraph 16] in association with at least one network element in the stack, and at least one second connection [John, paragraph 92] of the second switch device [Shah, paragraph 16] in association with the at least one network element in the stack [John paragraph 92]; and  
associating the first, second, and third user input in a cluster object that programmatically represents the cluster [Shah, paragraph 16].

Regarding claim 12, John further discloses receiving information specifying that a network element in the cluster has failed [John, paragraphs 92, 95, 97 and 99];  
based on the cluster object, selecting a substitute network element from among one or more available network elements from the router stack [John, paragraphs 92, 95, 97 and 99];  
receiving connection configuration information from the identified network element [John, paragraphs 92, 95, 97 and 99]; and

based on the connection configuration information, re-configuring the substitute network element and the first and second switch devices associated with the identified network element, wherein the re-configuring causes the first and second switch devices to change one or more connections from the identified network element to the substitute network element [John, paragraphs 92, 95, 97 and 99].

Regarding claim 13, John further discloses creating one or more sets of commands to configure the one or more switch devices [John, paragraphs 92, 95, 97 and 99]; and publishing a configuration load event that includes the commands and that targets only the one or more switch devices associated with the identified and substitute network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 14, John further discloses at each of the one or more switch devices, processing the particular set of commands, wherein processing includes causing the one or more switch devices to change the one or more connections from the identified network element to the substitute network element [John, paragraphs 92, 95, 97 and 99]; and

at each of the one or more switch devices, publishing a configuration complete event to acknowledge completing the processing of the particular set of commands [John, paragraphs 92, 95, 97 and 99].



Regarding claim 15, John further discloses the third user input includes information defining a set of commands used to reconfigure at least one switch device from the plurality of switch devices [John, paragraphs 92, 95, 97 and 99].

Regarding claim 16, John further discloses the first, second and third user inputs are stored persistently at a cluster manager [John, paragraphs 92, 95, 97 and 99]; and wherein each of the switch devices and the plurality of network elements persistently stores startup configuration information, but does not store the first, second and third user inputs [John, paragraphs 92, 95, 97 and 99].

Regarding claim 17, John further discloses the second user input comprises information identifying one or more network elements from the plurality of network elements as back-up network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 18, John further discloses the second user input comprises information identifying one or more network elements from the plurality of network elements as stand-by network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 19, John further discloses the step of receiving a fourth user input in the UI that modifies information received in the second and third user inputs [John, paragraphs 92, 95, 97 and 99].

Regarding claim 20, John further discloses the step of receiving a fourth user input in the UI that identifies the at least one network element as removed from the plurality of network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 21, John further discloses the step of receiving a fourth user input in the UI that disassociates at least one switch device with at least one network element from the plurality of network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 22, John further discloses the first, second, and third user inputs define a logical stack object, wherein the logical stack object is identified by a stack name and represents a logical grouping of at least two switch devices and at least one network element [John, paragraphs 92, 95, 97 and 99].

Regarding claim 23, John further discloses the step of receiving a fourth user input in the UI that requests sending a command to all switch devices and all network elements represented by the logical stack object [John, paragraphs 92, 95, 97 and 99].

Regarding claim 24, John-Shaw further discloses an input mechanism for receiving user input, wherein the user input includes [John, paragraph 92]:  
a first user input that identifies a plurality of switch devices [Shah, paragraph 16] in a logical stack object that represents the network device cluster [John, paragraphs 92 and 97];

a second user input that identifies a plurality of network elements in the network device cluster [John, paragraphs 92 and 97]; and

a third user input that associates at least one switch device from the plurality of switch devices [Shah, paragraph 16] with at least one network element from the plurality of network elements [John, paragraphs 92 and 97]; and

an execute mechanism for causing re-provisioning of real network elements that are represented by the logical stack object [John, paragraphs 92 and 97].

Regarding claim 25, John further discloses identifying a network element that has failed [John, paragraphs 92, 95, 97 and 99];

selecting a substitute network element from among one or more available network elements from the plurality of network elements [John, paragraphs 92, 95, 97 and 99];

receiving connection configuration information from the identified network element [John, paragraphs 92, 95, 97 and 99]; and

based on the connection configuration information, re-configuring the substitute network element and the one or more switch devices associated with the identified network element, wherein the re-configuring causes the one or more switch devices to change one or more connections from the identified network element to the substitute network element [John, paragraphs 92, 95, 97 and 99].

Regarding claim 26, John-Shaw further discloses means for receiving user input at a single console control point for a network device cluster specifying an operation to perform on the cluster as a whole [John, paragraph 92]; and means for automatically performing the specified operation on one or more of the active routers in the cluster by transforming the specified operation into one or more device-specific operations for each of the one or more active routers [John, paragraphs 92 and 97]; wherein the cluster comprises a first switch device, a plurality of active routers, one or more standby routers, and a second switch device [Shah, paragraph 16].

Regarding claim 27, John further discloses the receiving step comprises receiving user input specifying a configuration command for the cluster [John, paragraphs 92, 95, 97 and 99]; and wherein the performing step comprises automatically communicating the configuration command to each of the active routers in the plurality of active routers [John, paragraphs 92, 95, 97 and 99].

Regarding claim 28, John further discloses subscribing a management process to an event bus [John, paragraphs 52 and 92-93]; subscribing each of the active routers to the event bus [John, paragraphs 52 and 92-93]; and

publishing the configuration command in an event on the event bus [John, paragraphs 52 and 92-93].

Regarding claim 29, John further discloses receiving the event [John, paragraphs 52 and 92-93];

extracting the configuration command from the event [John, paragraphs 52 and 92-93];  
and

presenting the configuration command to a native console [John, paragraphs 52 and 92-93].

Regarding claim 30, John further discloses the configuration command is a configuration load command [John, paragraphs 92, 95, 97 and 99].

Regarding claim 31, John further discloses the configuration command is a configuration execution command [John, paragraphs 92, 95, 97 and 99].

Regarding claim 32, John further discloses wherein the user input is received in a graphical user interface, and further comprising means for displaying an execution log for the configuration command within the same graphical user interface in which the user input is received [John, paragraphs 92-93 and 97].

Regarding claim 33, John-Shaw further discloses wherein the cluster comprises a first switch device, a plurality of active routers, one or more standby routers, and a second switch device [Shah, paragraph 16];

wherein the mechanism receives user input specifying an operation to perform on the cluster as a whole [John, paragraph 92]; and

automatically performs the specified operation [John, paragraphs 92 and 97] on one or more of the active routers [Shah, paragraph 16] in the cluster by transforming the specified operation into one or more device-specific operations for each of the one or more active routers [John, paragraphs 92 and 97].

Regarding claim 34, John further discloses a graphical user interface suitable for receiving user input [John, paragraph 92]; and

a displayable execution log within the graphical user interface, capable of displaying a configuration command [John, paragraphs 92-93, 95 and 97].

3. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over John-Shaw as applied to claim 1 above, and further in view of Hsu et al., (US Publication No. 2001/0021198), (hereinafter Hsu).

Regarding claim 35, John-Shaw does not specifically disclose the first and second switch devices are associated with different networks.

However, Hsu discloses multiple switches connected to different networks [Hsu, figure 4, items 420, 415, paragraph 16]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate multiple switches connected to different networks in order to provide for a backup switch in case of failure.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 3-35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the

amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG  
10/08/2008

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2445